

RECOGNIZING AND HONORING THE 15TH ANNIVERSARY  
OF THE SIGNING OF THE AMERICANS WITH  
DISABILITIES ACT OF 1990

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JULY 27, 2005.—Ordered to be printed

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Mr. SENSENBRENNER, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H. Res. 378]

The Committee on the Judiciary, to whom was referred the resolution (H. Res. 378) recognizing and honoring the 15th anniversary of the signing of the Americans with Disabilities Act of 1990, having considered the same, report favorably thereon without amendment and recommend that the resolution be agreed to.

PURPOSE AND SUMMARY

The purpose of H. Res. 378 is to recognize and honor the 15th anniversary of the signing of the Americans with Disabilities Act of 1990 into law.

BACKGROUND AND NEED FOR THE LEGISLATION

On July 26, 1990, President George H.W. Bush, with the bipartisan support of Congress, signed into law the Americans with Disabilities Act (“ADA”).<sup>1</sup> The purpose of the ADA was “to establish a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; to provide clear, strong, consistent, enforceable standards addressing discrimination against disabilities; to ensure that the Federal Government plays a central role in enforcing the standards established in the Act on behalf of individuals with disabilities, and to invoke the sweep of congressional authority, including the power to enforce the 14th amendment to the Constitution and to regulate commerce,

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<sup>1</sup> 42 U.S.C.A. § 12101.

in order to address the major areas of discrimination faced day-to-day by people with disabilities.”<sup>2</sup>

The ADA was the result of over two years of extensive research and hearings conducted by Congress in which approximately 43 million Americans were identified as having one or more mental or physical disabilities.<sup>3</sup> Prior to the ADA’s passage, disabled Americans experienced disparate treatment in almost all aspects of society, ranging from access to facilities and buildings to transportation to housing and other commercial facilities.<sup>4</sup> As a result, disabled Americans experienced lower graduation rates, lower employment rates, higher poverty rates, and less personal freedom and independence. Because state and local laws were identified as being ill-equipped to address the exclusion of the disabled from communities, Congress intervened under its authority to enforce the 14th Amendment and the Interstate Commerce Clause.

Since the ADA’s enactment, substantial progress has been made to accommodate and include disabled Americans into all aspects of society. Buildings and facilities are more easily accessible by the disabled; transportation vehicles and telecommunications are designed with disabled Americans in mind; and public services are inclusive of disabled and non-disabled Americans alike. Over the last 15 years, disabled Americans have experienced higher graduation rates, higher employment rates, and lower rates of poverty. Disabled Americans have also been accorded a fuller measure of dignity and equality as a result of passage of the ADA. Disabled Americans are no longer isolated from communities but have been empowered to live as independent, self-sufficient members of the community. This resolution serves as a recognition of what has been accomplished since 1990 and as a reminder of what still needs to be done.

#### HEARINGS

The Committee on the Judiciary held no hearings on H. Res. 378.

#### COMMITTEE CONSIDERATION

On July, 27, 2005, the Committee on the Judiciary met in open session and ordered favorably reported the resolution H. Res. 378 without an amendment by a voice vote a quorum being present.

#### VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the committee consideration of H. Res. 378.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

<sup>2</sup> 42 U.S.C.A. § 12101(b).

<sup>3</sup> 42 U.S.C.A. § 12101(a).

<sup>4</sup> *Id.*

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee believes that the resolution will have no cost for the current fiscal year 2005, and that there will be no cost incurred for the next five fiscal years.

## PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goal of H. Res. 378 is to recognize and honor the 15th anniversary of the signing of the American with Disabilities Act of 1990.

## CONSTITUTIONAL AUTHORITY STATEMENT

Clause 3(d)(1) of rule XIII of the Rules of the House does not apply as this is a resolution.

## SECTION-BY-SECTION ANALYSIS AND DISCUSSION

The following discussion describes the bill as reported by the Committee.

The first preambular clause provides that July 26, 2005, marks the 15th anniversary of the signing of the Americans with Disabilities Act of 1990 into law.

The second preambular clause provides that the Americans with Disabilities Act of 1990 was one of the most significant pieces of civil rights legislation since the Civil Rights Act of 1964.

The third preambular clause describes the purposes of the Americans with Disabilities Act of 1990, which are to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; to ensure that the Federal Government plays a central role in enforcing the standards established in the Act on behalf of individuals with disabilities; and to invoke the sweep of Congressional authority including the power to enforce the 14th amendment to the Constitution and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.”

The fourth preambular clause provides that Congress conducted two years of extensive hearings.

The fifth preambular clause provides that prior to the passage of the Americans with Disabilities Act individuals with disabilities experienced significantly lower graduation rates and employment rates and were denied opportunities to participate because of unfair stereotypes.

The sixth preambular clause provides that Federal and State laws were not sufficient to address the discrimination.

The seventh preambular clause provides that the Americans with Disabilities Act of 1990 was passed in Congress with bipartisan support.

The eighth preambular clause provides that the Americans with Disabilities Act of 1990 was the first international comprehensive prohibition of discrimination on the basis of a disability.

The ninth preambular clause provides that since the enactment of the Americans with Disabilities Act of 1990 significant progress has been made in the United States to afford greater opportunities to disabled individuals, which has ultimately led to a more inclusive society.

The tenth preambular provides that 15th anniversary is meant to highlight the achievements of the Act but also serves as a reminder of the work left to be done on behalf of disabled Americans.

The resolved clause provides that the House of Representatives:

- (1) recognizes and honors the 15th anniversary of the signing of the Americans with Disabilities Act of 1990.

- (2) recognizes and acknowledges the work of individuals and organizations who fought and continue to advance the interests of disabled Americans.

- (3) reaffirms its commitment to promoting the civil and constitutional rights of Americans with disabilities and recognizes the important role of the Nation's Federal courts in securing the rights of Americans under the American with Disabilities Act.

- (4) continues to strongly support the purposes and goals of the Americans with Disabilities Act of 1990.

- (5) encourages all Americans to recognize and celebrate the Act's significance.

#### CHANGES IN EXISTING LAW BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, the Committee notes H. Res. 378 makes no changes to existing law.